



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND
WATERSHEDS

May 6, 2013

Tricia Miller, Water Quality Permit Coordinator
Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008-5452

Re: U.S. Environmental Protection Agency Comments
Draft National Pollutant Discharge Elimination System Permit and Fact Sheet
North Bend WWTP, Permit Number WA0029351

Dear Ms. Miller:

The EPA has selected to review the above-referenced permit consistent with the Performance Partnership Agreement (PPA) and the EPA's obligation to oversee implementation of the National Pollutant Discharge Elimination System (NPDES) program by delegated states. The EPA reviewed the draft permit for consistency with federal laws and regulations and with Ecology's regulations and permit writing guidance.

The EPA has the following comments on the draft permit during the public comment period ending May 6 2012. The review focused on water quality based effluent limits and meeting anti-backsliding provisions of the Clean Water Act.

The permit authorized less stringent limits for total suspended solids (TSS) and carbonaceous biochemical oxygen demand (CBOD₅), and removes mercury limits. The permit and fact sheet must demonstrate that the proposed effluent limitations meet antidegradation and anti-backsliding provisions of the Clean Water Act, sections 402(o) and 303(d)(4). Refer to the EPA's NPDES Permit Writers' Manual (http://www.epa.gov/npdes/pubs/pwm_2010.pdf), section 7.2, for guidance in addressing these requirements.

The fact sheet indicates that there is an approval TMDL for temperature. The fact sheet describes that the proposed permit reflects the wasteload allocation assigned by the TMDL; however, the permit does not incorporate temperature limits. The NPDES regulations at §122.44(d)(1)(vii)(B) require that NPDES permits include effluent limitations developed consistent with the assumptions and requirements of any WLA that has been assigned to the discharge as part of an approved TMDL. Please explain how the proposed permit is consistent with the approved TMDL.

Please contact me at (206) 553-1755 or by email at lidgard.michael@epa.gov if you have any questions about this letter or related matters, or you may contact Karen Burgess of my staff at (206) 553-1644 or by email burgess.karen@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Lidgard".

Michael J. Lidgard, Manager
NPDES Permits Unit

cc: Tricia Miller, Ecology, via email tmil461@ecy.wa.gov
Laura, Ecology, via email Laura.Fricke@ecy.wa.gov